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January 11, 2017

**BY ECF**

Hon. P. Kevin Castel  
United States District Judge  
United States Courthouse  
500 Pearl Street  
New York, NY 10007-1312

Re: *United States v. Jon Cruz*  
Criminal Docket # 15-338 (PKC)

Dear Judge Duffy:

For the reasons set forth below, I write to request that the sentence hearing in this case be rescheduled to a date at the end of March, 2017.

**Background**

On March 6, 2015, Mr. Cruz was arrested by federal agents and charged in a criminal complaint alleging various offense including the production of child pornography in violation of 18 USC 2251. Following the filing of an Indictment that charged the same range of offenses, on September 23, 2016, Mr. Cruz entered a guilty plea to Count Two of the above-referenced Indictment. Count Two charges the defendant with receiving material that contained child pornography in or about December 2014, in violation of Title 18, United States Code, Section 2252A(a)(2)(B), and carries a maximum term of imprisonment of twenty years, a mandatory minimum term of imprisonment of five years.

After the guilty plea was accepted by the Court, Mr. Cruz was detained pursuant to the mandatory detention provisions of the Bail Reform Act. A presentence interview was conducted following the guilty plea and a presentence report was timely filed by the United States Probation Department.

Counsel for the defendant is actually engaged in a trial that is about to commence in New York States Supreme Court before the Honorable the Honorable Ira Margulis, Supreme Court Justice, State of New York, County of Queens, in a criminal case entitled *People v. Ruben Wills*, Ind. # 605/2014. The trial is expected to last 3-4 weeks.

I have discussed this request with Assistant United States Attorney Shawn Crowley and she advised me that the government does not object. The additional time will also allow the parties to file any objections to the presentence report that might be appropriate and to present all relevant

*Santoro*

**Conference Adjourned**

From: Jan 27, 2017

To: March 31, 2017 at 12:00 p.m.

**SO ORDERED:**

*[Signature]*  
**P. KEVIN CASTEL, U.S.D.J.**

Date: 1-12-17

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information that will assist the Court in imposing a sentence that is sufficient but not greater than necessary pursuant to 18 U.S.C. 3553(a).

Accordingly, I respectfully request that the hearing be rescheduled to a date at the end of March, 2017, or to a later date that is more convenient to the Court

Thank you for your consideration in this matter.

Respectfully submitted,

/s/

Steve Zissou